

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DONALD H. GARDNER, p/k/a )	
BLACKA NICE, )	
) )	
Plaintiff, ) )	
) )	
vs. ) )	Cause No. 07-cv-6535-RJS
) )	PLAINTIFF'S RULE 26(a)(1)
RAMON LUIS AYALA-RODRIGUEZ, ) )	INITIAL DISCLOSURE
p/k/a DADDY YANKEE, EL CARTEL ) )	STATEMENT
RECORDS, INC., LOS CANGRIS ) )	
PUBLISHING, MACHETE MUSIC, ) )	
UNIVERSAL MUSIC DISTRIBUTION ) )	
CORP., UNIVERSAL MUSIC GROUP, ) )	
VIDAL INVESTMENT, INC., and ) )	
VI MUSIC, INC. ) )	
) )	
Defendants. ) )	

Plaintiff Donald H. Gardner, by his attorney, provides the following initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure:

**Rule 26(a)(1)(A)**

The following individuals are likely to have discoverable information that Mr. Gardner may use to support his claims or defenses. In identifying these persons, Mr. Gardner expressly reserves the right to assert any applicable privilege or other objection to any testimony any person listed below may offer at any deposition, hearing or trial in this case.

**A. Individuals Associated with Plaintiff**

1. Donald H. Gardner, p/k/a Blacka Nice  
2847 Briggs Avenue  
Bronx, New York

Information includes: Full knowledge of dispute.

2. Cedric Reid  
Location is presently unknown  
To be seasonably supplemented.

Information includes: Knowledge of certain conversations between Defendant and Plaintiff concerning allegations of joint authorship.

3. Haji Kabba  
Location is presently unknown  
To be seasonably supplemented.

Information includes: Knowledge of certain conversations between Defendant and Plaintiff concerning allegations of joint authorship.

4. Sheiku' Kabba  
Location is presently unknown  
To be seasonably supplemented.

Information includes: Knowledge of certain conversations between Defendant and Plaintiff concerning allegations of joint authorship.

5. Kevin Shaw  
Location is presently unknown  
To be seasonably supplemented.

Information includes: Knowledge of certain conversations between Defendant and Plaintiff concerning allegations of joint authorship.

## B. Individuals and Entities Affiliated with Defendants

1. Raymond Ayala, p/k/a Daddy Yankee  
Location is presently unknown  
To be seasonably supplemented.

Information includes: Full knowledge of the dispute.

2. Lavee  
Location is presently unknown  
To be seasonably supplemented.

Information includes: Knowledge of certain conversations between Defendant and Plaintiff concerning allegations of joint authorship.

3. Monserrate, Fido & D.J. Urba  
Location is presently unknown  
To be seasonably supplemented.

Information includes: Knowledge of facts related to computation of damages.

4. El Cartel Records, Inc.  
San Juan, Puerto Rico

Information includes: Knowledge of facts related to computation of damages.

5. Machete Music

Location is presently unknown

To be seasonably supplemented.

Information includes: Knowledge of facts related to computation of damages.

6. Universal Music & Video Distribution Corp.

Location is presently unknown

To be seasonably supplemented.

Information includes: Knowledge of facts related to computation of damages.

7. Universal Music Group

Location is presently unknown

To be seasonably supplemented.

Information includes: Knowledge of facts related to computation of damages.

8. VI Music

San Juan, Puerto Rico

Information includes: Knowledge of facts related to computation of damages.

9. Los Cangris Music Publishing

Location is presently unknown

To be seasonably supplemented.

Information includes: Knowledge of facts related to computation of damages.

**Rule 26(a)(1)(B)**

Mr. Gardner is not aware of any documents in his possession, custody or control that he may use to support his claims or defenses. He expressly reserves the right to supplement his response to provide documents, dated compilations or tangible things discovered at a later date and to assert any privilege as well as any objections to the production of such documents or things absent an appropriate protective or confidentiality order.

**Rule 26(a)(1)(C)**

Mr. Gardner has not yet computed his damages in total as a result of the conduct complained of in his Complaint. Most, if not all, of the necessary images regarding those damages (including Mr. Gardner's share of the profits in the musical composition and performance at issue) are within the custody and control of the defendants. He has and will

continue to be irreparably harmed by Defendants' actions and is seeking injunctive relief, in addition to monetary damages. Defendants' actions have caused and continue to cause damage to Mr. Gardner. Mr. Gardner reserves the right to supplement this disclosure.

**Rule 26(a)(1)(D)**

Mr. Gardner is not aware of any insuring agreement under which any persons carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in favor of Plaintiff or to indemnify or reimburse Defendants for payments to satisfy the judgment responsive to Fed. R. Civ. P. 26(a)(1)(D).

Respectfully submitted,

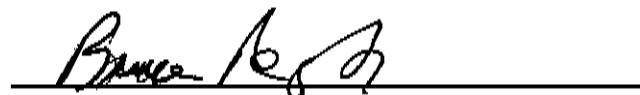
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DONALD H. GARDNER, p/k/a  
BLACKA NICE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served via email and via first class United States mail, postage prepaid, this 21<sup>st</sup> day of July, 2008 to:

Jonathan S. Pollack, Esq.  
240 Madison Avenue-8<sup>th</sup> Floor  
New York, New York 10016  
Attorney for defendants



Bruce Regenstreich, Esq.  
*Attorneys for Plaintiff*